IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27846 of 2007(M)

PETITIONER:

TOMY KURIAN, AGED 43 YEARS,
S/O.KURIAN, MANNAKULATHIL HOUSE,
ATHIRAMPUZHA P.O., KOTTAYAM.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS
SMT.K.S.CHANDRIKA

RESPONDENTS:

---

1. KOTTAYAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KOTTAYAM.

2. THE SECRETARY, KOTTAYAM MUNICIPALITY,
KOTTAYAM.

BY ADV. SRI.SIBY MATHEW, SC, KOTTAYAM
SRI.A.A.MOHAMMED NAZIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 27846 OF 2007

Dated this the 24th day of September, 2007

J U D G M E N T

Sri. Siby Mathew, learned Standing Counsel, seeks further time to get instructions. Smt. K.S. Chandrika appearing on behalf of the petitioner submits that it is on extraneous considerations that Ext.P4 stop memo has been issued by the Municipality. Petitioner has also produced Ext.P5 photographs wherein other buildings having more height than the petitioner's building have been granted permission.

I do not propose to go into the merits of the matter. Ext.P4 is only a stop memo. Petitioner and the Municipality will consider Ext.P4 as a show cause notice only. Petitioner has already filed Ext.P6 representation before the Municipality against Ext.P4. The Municipality will consider Ext.P4 in the light of Ext.P6 and hear the petitioner and finalise Ext.P4. This the municipality will do at its earliest and at any rate within 7 days of the petitioner placing a copy of the judgment. Petitioner will approach the Municipality and get information regarding the date of hearing.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE, JUDGE

vps

K.R. UDAYABHANU, JUDGE

CRL.A. NOS.721/99 & 213/02

JUDGMENT

13TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.